



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/735,649	12/16/2003	Toshihiko Suzuki	03500.017790.	3535
5514 7590 07/11/2008 FITZPATRICK CELLA HARPER & SCINTO 30 ROCKEFELLER PLAZA NEW YORK, NY 10112			EXAMINER CHIO, TAT CHI	
			ART UNIT 2621	PAPER NUMBER
			MAIL DATE 07/11/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/735,649	Applicant(s) SUZUKI, TOSHIHIKO	
	Examiner TAT CHI CHIO	Art Unit 2621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 March 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,4,6-13,15-17 and 22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,4,6-13,15-17 and 22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 3/11/2008 has been entered.

Response to Arguments

1. Applicant's arguments filed 3/11/2008 have been fully considered but they are not persuasive.

Applicant argues that the combination of Nakai and Aotake et al. does not teach in response to the selecting operation while causing the display means to display the plurality of representative images, the reproducing means reproduces a part of the moving image data of the contents concerning the selected representative image and writes the part of the moving image data in the memory and the reproduction processing means does not effect reading out the written part of the image data from the memory.

In response, the examiner respectfully disagrees. Nakai teaches in response to the selecting operation while causing the display means to display the plurality of representative images in Fig. 60A and Fig. 60B. It shows that the user is able to select one of the titles from Fig. 60A while the display is displaying the title information screen,

and in response to the selecting operation, the display goes to the next screen, which is the chapter information screen in Fig. 60B. The chapter information screen is equivalent to a part of the moving image data of the contents concerning the selected representative image. In column 34 and line 66 to column 35 and line 34, Nakai describes the normal playback of video data. It shows that the read-out data is stored in the system ROM/RAM section, which is equivalent to writes the part of the moving image data in the memory. Nakai also teaches the reproduction processing means does not effect reading out the written part of the moving image data from the memory in column 36 and lines 58-67. When the end PTS (VOBU_EPTS) coincides with the system time clock (STC), the monitor will stop displaying on the screen, then the system CPU will supply a data transfer stop command to the disk drive section, which thereby stops the data transfer, terminating the playback operation.

Applicant argues that the combination of Nakai and Aotake et al. does not teach controlling means for controlling the reproducing means when the menu screen is being displayed by the displaying means so that the reproducing means reproduces a part of the moving image data of the contents concerning each of the plurality of representative images displayed on the menu screen and writes the part of each moving image data in the memory, and in response to the reproduction start instruction, reading out and outputting the part of the moving image data of the contents concerning the selected representative image.

In response, the examiner respectfully disagrees. Nakai teaches when the menu screen is being displayed by the displaying means, reproducing means reproduces a

part of the moving image data of the contents concerning each of the plurality of representative images displayed on the menu screen in Fig. 60A and Fig. 60B. A menu screen is being displayed in those two figures and part of the moving image data of the contents concerning each of the plurality of representative images displayed on the menu screen is reproduced. Nakai describes the normal playback of video data in column 34 and line 66 to column 35 and line 34. It shows that the read-out data is stored in the system ROM/RAM section, which is equivalent to writes the part of the moving image data in the memory. Column 34 and line 66 to column 35 and line 34 also shows that in response to the reproduction start instruction, reading out and outputting the part of the moving image data of the contents concerning the selected representative image.

Applicant argues that the combination of Nakai and Aotake et al. does not teach when the menu screen is being displayed by the displaying means so that the reproducing means reproduces the moving image data of a predetermined amount from each of the plurality of predetermined reproduction start positions and writes the moving image data in the memory, wherein in response to the reproduction start instruction, starting to read out the stored moving image data at the reproduction position corresponding to the selected representative image.

In response, the examiner respectfully disagrees. Nakai teaches when the menu screen is being displayed by the displaying means, reproducing means reproduces a predetermined amount from each of the plurality of predetermined reproduction start positions in Fig. 60A and Fig. 60B. A menu screen is being displayed in those two

figures and a predetermined amount from each of the plurality of predetermined reproduction start positions in Fig. 60A and Fig. 60B. The picture shown in the menu is the moving image data of a predetermined amount that is being reproduced. Nakai describes the normal playback of video data in column 34 and line 66 to column 35 and line 34. It shows that the read-out data is stored in the system ROM/RAM section, which is equivalent to writes the part of the moving image data in the memory. Column 34 and line 66 to column 35 and line 34 also shows that in response to the reproduction start instruction, reading out and outputting the part of the moving image data of the contents concerning the selected representative image.

Applicant argues that there has been no showing of any indication of motivation in the cited documents that would lead one having ordinary skill in the art to arrive at such claimed features.

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, the motivation to combine these two references to arrive at the claimed features is in the knowledge generally available to one of ordinary skill in the art that the automatic reproduction

feature of Aotake et al. would eliminate the burden on the user to start reproduction manually.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 2, 4, 6, 7, 9-13, 15-16, and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nakai (5,949,955) in view of Aotake et al. (5,687,160).

Consider claim 1, Nakai teaches a reproducing apparatus comprising:

- reproducing means for reproducing moving image data of a plurality of contents from a recording medium and writing the reproduced moving image data in a memory (30 of Fig. 1 and col. 35, lines 35-43);
- displaying means for displaying a plurality of representative images of the plurality of contents on the same screen (6 of Fig. 1 and Fig. 60 A);
- selecting means for selecting a desired representative image from among the plurality of representative images displayed on the same screen (5 of Fig. 5);

- reproduction processing means for reading out the image data stored in the memory and outputting the moving image data as reproduced image data (56, 58, 60, 62, and 64 of Fig. 1); and

However, Nakai does not explicitly teach reproduction instruction means for instructing reproduction start of the contents independently of a selecting operation by the selecting means;

Aotake et al. teach reproduction instruction means for instructing reproduction start of the contents independently of a selecting operation by the selecting means (col. 16, lines 29-41). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the automatic reproduction feature into the apparatus so that the user does not have to start the reproduction manually.

Nakai and teach controlling means for controlling the reproducing means and the reproduction processing means in response to the selecting operation by the selecting means while causing the display means to display the plurality of representative images so that the reproducing means reproduces a part of the moving image data of the contents concerning the selected representative image and writes the part of the moving image data in the memory and the reproduction processing means does not effect reading out the written part of the moving image data from the memory, the controlling means further controlling the reproduction processing means in response to the reproduction start instruction by the reproduction instruction means so that the reproduction processing means

starts readout of the part of the image data from the memory, wherein the moving image data includes a plurality of clips each showing series of moving images, and each of the plurality of contents includes the plurality of clip belonging to the same group (50 of Fig. 1, Fig. 5, col. 34, lines 66-col. 35, lines 56, Fig. 62, Fig. 63, Fig. 64, and Fig. 60 A-B of Nakai and col. 36, lines 58-67).

Consider claim 2, Nakai teaches an apparatus, wherein the moving image data includes a plurality of clips each showing series of moving images, and each of the plurality of contents includes each one of the clips (Fig. 60A-B).

Consider claim 4, Nakai teaches an apparatus, wherein the displaying means generates a plurality of display hierarchies including the contents different from one another, and switches the representative image to be displayed, between the display hierarchies (Fig. 60A-B).

Consider claim 6, Nakai teaches an apparatus, wherein the controlling means controls the reproducing means in response to the switching among the display hierarchies displayed by the displaying means so that the reproducing means reproduces the part of the image data of the content selected from among the plurality of contents of the display hierarchy newly displayed (col. 33, lines 26-62).

Consider claim 7, Nakai teaches an apparatus, wherein the controlling means further controls the reproducing means in response to the reproduction start instruction so that the reproducing means starts the data reproduction of the data from the part of the moving image data in the selected contents and writes the data from the part of the

moving image data in the memory (col. 34, lines 66-col. 35, lines 56, Fig. 62, Fig. 63, and Fig. 64).

Consider claim 9, Nakai and Aotake et al. teach a reproducing apparatus comprising:

- reproducing means for reproducing moving image data of a plurality of contents from a recording medium and writing the reproduced moving image data in a memory (30 of Fig. 1 and col. 35, lines 35-43 of Nakai);
- displaying means for displaying a menu screen including a plurality of representative images of the plurality of contents on a display apparatus (6 of Fig. 1 and Fig. 60 A of Nakai);
- selecting means for selecting a desired representative image from among in the plurality of representative images displayed on the menu screen (5 of Fig. 5 of Nakai);
- reproduction instruction means for instructing reproduction start of the contents independently of a selecting operation by the selecting means (col. 16, lines 29-41 of Aotake et al.);
- reproduction processing means for reading out the moving image data stored in the memory and outputting the moving image data as reproduced moving image data (56, 58, 60, 62, and 64 of Fig. 1 of Nakai); and
- controlling means for effecting control of the reproducing means when the menu screen is being displayed by the display means so that the

reproducing means reproduces a part of the moving image data of the contents concerning each of the plurality of representative images displayed on the menu screen and writes the part of each moving image data in the memory, the controlling means further controlling the reproduction processing means in response to the reproduction start instruction by the reproduction instruction means so that the reproduction processing means reads out and outputs the part of the moving image data of the contents concerning the selected representative images among the part of the moving image data of the plurality of contents stored in the memory (50 of Fig. 1, col. 34, lines 66-col. 35, lines 56, Fig. 62, Fig. 63, Fig. 64, and Fig. 60 A-B of Nakai).

Consider claim 10, Nakai teaches an apparatus, wherein the displaying means displays the representative image in response to a display instruction of the representative image, and the controlling means controls the reproducing means in response to the display instruction of the representative picture so that the reproducing means reproduces the part of each moving image data of the contents concerning the plurality of representative images displayed on the same screen by the displaying means and writes the part of each moving image data in the memory (col. 30, lines 24-67).

Consider claim 11, Nakai teaches an apparatus, wherein the moving image data includes a plurality of clips each showing series of moving images, and each of the plurality of contents includes one of the clips (Fig. 60A-B).

Consider claim 12, Nakai teaches an apparatus, wherein the moving image data includes a plurality of clips each showing series of moving images, and each of the plurality of contents includes the plurality of clips belonging to of the same group (Fig. 60A-B).

Consider claim 13, Nakai teaches an apparatus, wherein the displaying means generates a plurality of display hierarchies including the contents different from one another, and switches the representative image to be displayed, between the display hierarchies (Fig. 60A-B).

Consider claim 15, Nakai teaches an apparatus, wherein the controlling means controls the reproducing means in response to the switching of the menu screen so that the reproducing means reproduces a predetermined amount of the moving image data from the head of the each of the plurality of contents corresponding respectively to the plurality of representative images displayed on a post-switching menu screen (col. 33, lines 26-62).

Consider claim 16, Nakai teaches an apparatus, wherein the controlling means further controls the reproducing means in response to the reproduction start instruction so that the reproducing means starts the data reproduction of the data from the part of the moving image data in the selected contents and writes the data from the part of the moving image data in the memory (col. 34, lines 66-col. 35, lines 56, Fig. 62, Fig. 63, and Fig. 64).

Consider claim 22, Nakai and Aotake teach a reproducing apparatus comprising:

- reproducing means for reproducing moving image data from a recording medium and writing the reproduced moving image data in a memory (30 of Fig. 1 and col. 35, lines 35-43 of Nakai);
- displaying means for displaying a menu screen including a plurality of representative images concerning a plurality of predetermined reproduction start positions in the moving image data recorded on the recording medium on a display apparatus (6 of Fig. 1 and Fig. 60 A-B of Nakai);
- selecting means for selecting a desired representative image from among the plurality of representative images displayed in the menu screen (5 of Fig. 5 and col. 33, lines 26-62 of Nakai);
- reproduction instruction means for instructing start of reproduction of the image data independently of a selecting operation by the selecting means (col. 16, lines 29-41 of Aotake et al.);
- reproduction processing means for reading out the moving image data stored in the memory and outputting the moving image data as reproduced image data (56, 58, 60, 62, and 64 of Fig. 1 of Nakai); and
- controlling means for controlling the reproducing means when the menu screen is being displayed by the displaying means so that the reproducing means reproduces the moving image data of a predetermined amount from each of the plurality of predetermined reproduction start positions and writes the moving image data of the predetermined amount in the

memory, the controlling means further controlling the reproduction processing means in response to the reproduction start instruction by the reproduction instruction means so that the reproduction processing means starts to read out the stored moving image data at the reproduction start position corresponding to the selected representative image from among the moving image data of the plurality of contents stored in the memory (50 of Fig. 1, col. 34, lines 66-col. 35, lines 56, Fig. 62, Fig. 63, Fig. 64, and Fig. 60 A-B of Nakai).

3. Claims 8 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nakai (5,949,955) in view of Aotake et al. (5,687,160) as applied to claims 1 and 9 above, and further in view of Nitta et al. (5,751,887).

Consider claim 8, Nakai teaches all the limitations in claim 1 but fails to explicitly teach an apparatus, wherein the controlling means controls the reproducing means in response to the selecting operation by the selecting means so that the reproducing means reproduces the image data according to an amount of data of the memory from a front end of the selected contents and writes the image data in the memory.

Nitta et al. teach an apparatus, wherein the controlling means controls the reproducing means in response to the selecting operation by the selecting means so that the reproducing means reproduces the image data according to an amount of data of the memory from a front end of the selected contents and writes the moving image data in the memory (col. 2, lines 18-48). Therefore, it would have been obvious to one

of ordinary skill in the art at the time the invention was made to incorporate a ring buffer memory and a ring buffer controller into the reproducing apparatus to regulate the flow of frame data input and output to the ring buffer memory to prevent overflow in the ring buffer memory.

Consider claim 17, Nitta et al. further teach an apparatus, wherein the controlling means controls the reproducing means so that the reproducing means reproduces the moving image data of a predetermined amount which is decided on the basis of data capacity of the memory and the number of screens of the representative screen displayed on the same screen, from a front end of the contents concerning the plurality of representative images respectively and stores the image data of the predetermined amount in the memory (col. 2, lines 18-48).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to TAT CHI CHIO whose telephone number is (571)272-9563. The examiner can normally be reached on Monday - Thursday 9:00 AM-5:00 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thai Tran can be reached on (571)-272-7382. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2621

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/T. C. C./
Examiner, Art Unit 2621

/Thai Tran/
Supervisory Patent Examiner, Art Unit 2621